IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA) 0.40CD20C		
	Plaintiff,	8:10CR396		
	vs.) DETENTION ORDER		
AR	RMANDO PEREZ-LOPEZ,)		
	Defendant.	'		
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on October 29, 2010, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.			
C.	distribute methamphetan 846 and the possession of (Count VII) in violation minimum sentence of five forty years imprisonment methamphetamine (Cour 841(a)(1) each carry a imprisonment. (b) The offense is a crime of (c) The offense involves a new	and includes the following: e offense charged: to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § with intent to distribute methamphetamine of 21 U.S.C. § 841(a)(1) both carry a e years imprisonment and a maximum of t; the possession with intent to distribute ints VI and VIII) in violation of 21 U.S.C. § a maximum sentence of twenty years violence.		
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is X The defendant of ties. Past conduct of The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community		

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	The	e defendant has a significant prior criminal record. e defendant has a prior record of failure to appear at rt proceedings.	
(b)	At the time of	of the current arrest, the defendant was on: bation	
	Par		
		ease pending trial, sentence, appeal or completion of	
(0)		tence.	
(6)	Other Facto	e defendant is an illegal alien and is subject to	
		ortation.	
	The	e defendant is a legal alien and will be subject to ortation if convicted.	
	The	Bureau of Immigration and Custom Enforcement	
	(BIC Oth	CE) has placed a detainer with the U.S. Marshal. er:	
		seriousness of the danger posed by the defendant's	
releas	e are as iono	ows: The nature of the charges in the Indictment.	
X (5) Rebuttable Presumptions			
In dete	ermining that	the defendant should be detained, the Court also relied	
on the	e following r	rebuttable presumption(s) contained in 18 U.S.C. §	
		Court finds the defendant has not rebutted: Indition or combination of conditions will reasonably	
X (a)		appearance of the defendant as required and the safety	
		person and the community because the Court finds that	
	the crime in		
		A crime of violence; or	
	(2)	An offense for which the maximum penalty is life	
	X (3)	imprisonment or death; or A controlled substance violation which has a maximum	
	(3)	penalty of 10 years or more; or	
	(4)	A felony after the defendant had been convicted of two	
	()	or more prior offenses described in (1) through (3)	
		above, and the defendant has a prior conviction for	
		one of the crimes mentioned in (1) through (3) above	
		which is less than five years old and which was	
V (b)	That no co	committed while the defendant was on pretrial release.	
X (b) That no condition or combination of conditions will reasonal assure the appearance of the defendant as required and the safe			
of the community because the Court finds that there is probable			
	cause to be		
	<u>X</u> (1)	That the defendant has committed a controlled	
		substance violation which has a maximum penalty of	
	(2)	10 years or more.	
	(2)	That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and	
		in relation to any crime of violence, including a crime of	
		violence, which provides for an enhanced punishment	
		if committed by the use of a deadly or dangerous	
		weapon or device).	

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 29, 2010. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge